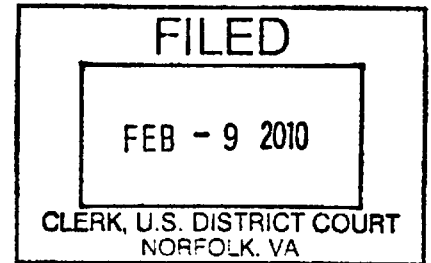


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



S.E.A. SOLUTIONS CORPORATION

Plaintiff,

v.

Civil Action No. 2:10cv64

M/V PETER M, *in rem*.

Defendant.

**VERIFIED COMPLAINT
INCLUDING REQUEST FOR ISSUE OF WARRANT OF MARITIME
ARREST PURSUANT TO SUPPLEMENTAL RULES C AND D**

Plaintiff, S.E.A. SOLUTIONS CORPORATION ("SEA Solutions") brings this *in rem* action against the vessel M/V PETER M ("Vessel"), which is presently located at Plaintiff's facility on the Southern branch of the Elizabeth River in Chesapeake, Virginia, pursuant to Supplemental Rules C and D for Certain Admiralty and Maritime Claims, and states as follows:

Jurisdiction and Venue

1. This is an action within this Court's admiralty jurisdiction pursuant to 28 U.S.C. § 1333, Supplemental Rules C and D for Certain Admiralty and Maritime Claims, and Fed. R. Civ. P. 9(h).

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the Vessel is located within the District.

The Parties

3. SEA Solutions is a Virginia corporation engaged in the business of marine vessel salvage with its principal place of business at 5360 Bainbridge Boulevard in Chesapeake,

Virginia ("Chesapeake Facility"), adjacent to and located on the Southern branch of the Elizabeth River.

4. M/V PETER M is an abandoned 140 foot steel freighter currently sunk at Plaintiff's Chesapeake Facility. A photo of the vessel is set forth below as Photo 1.

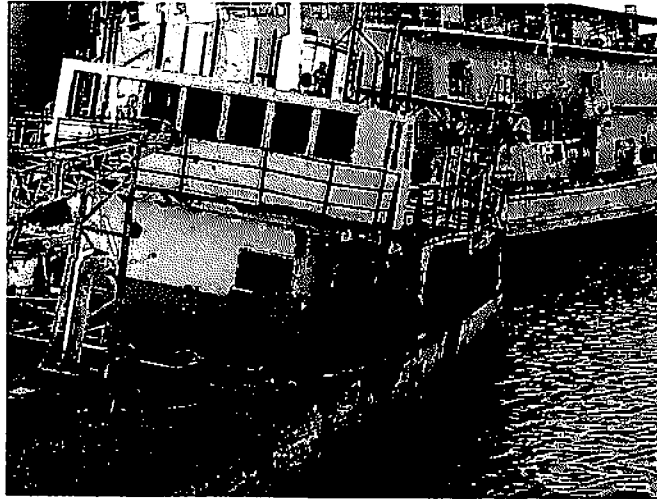


Photo 1

Facts

5. SEA Solutions operates a marine vessel salvage business out of its Chesapeake Facility and has riparian rights to the adjacent waters.

6. M/V PETER M has been abandoned at Plaintiff's Chesapeake Facility. In its present condition and location, M/V PETER M interferes with Plaintiff's enjoyment of its riparian rights and poses a potential threat to the environment. The M/V PETER M has sunk six times while moored at Plaintiff's Facility. Plaintiff has voluntarily and successfully salvaged, rescued, and preserved the M/V PETER M from marine peril. Plaintiff refloated the vessel five times, kept it afloat through daily pumping, and paid for divers to patch the vessel, but it has ultimately sunk again due to the failure of her owners, if any, to attend to her. Plaintiff has

incurred damages of \$37,000.00 in repair, storage, and pumping services for the vessel.

Count I– Arrest of M/V PETER M Pursuant to Rules C and D

7. SEA Solutions repeats and realleges each and every allegation set forth in paragraphs 1 through 6 as if fully set forth herein.

8. Because M/V PETER M has been rejected and abandoned; is in SEA Solutions' possession, custody and control; interferes with SEA Solutions' enjoyment of its riparian rights; and poses a potential threat to the environment in its present condition, SEA Solutions requests that it be declared the owner of the M/V PETER M.

9. Federal Supplemental Rule D for Certain Admiralty and Maritime Procedures states that for the purpose of trying maritime actions for the possession of vessel or other maritime property, "the process shall be by a warrant of arrest of the ... vessel ... and by notice in the manner provided by Rule B(2) to the adverse party or parties."

10. SEA Solutions requests that the M/V PETER M be arrested and taken into the custody of the Court by the United States Marshal or such other person as the Court may direct during the pendency of this action, and that at the conclusion of the action or at some other time as may be just and proper, possession and title be delivered to SEA Solutions.

11. In the alternative, SEA Solutions claims a maritime lien pursuant to Federal Supplemental Rule C for Certain Admiralty and Maritime Procedures against M/V PETER M in the amount of \$37,000.00, the damages SEA Solutions has incurred in providing necessities including repair, pumping, and storage services for the vessel.

12. Additionally, SEA Solutions asserts a maritime lien pursuant to Federal Supplemental Rule C for Certain Admiralty and Maritime Procedures against M/V PETER M for a salvage award in the amount of \$50,000.00, or such other amount as may be proven at trial, for

its voluntary and successful rescue of the vessel from marine peril.

WHEREFORE, Plaintiff S.E.A. SOLUTIONS CORPORATION prays for the following relief:

- i) That a warrant for the arrest of M/V PETER M issue and that all persons claiming an interest therein be cited to appear and answer the matters stated in this Verified Complaint;
- ii) That, in the event any person fails to appear to answer the matters stated in this Verified Complaint, SEA Solutions be declared the owner of M/V PETER M;
- iii) That if SEA Solutions is not declared to be the owner of M/V PETER M, judgment be entered in SEA Solutions' favor and against M/V PETER M in the amount of damages incurred by its providing necessities including repair, pumping, and storage services to the Vessel;
- iv) That if SEA Solutions is not declared to be the owner of M/V PETER M, judgment be entered in SEA Solutions' favor and against M/V PETER M in the amount SEA Solutions' salvage award for its efforts on behalf of M/V PETER M;
- v) That if SEA Solutions is not declared to be the owner of M/V PETER M, that M/V PETER M be condemned and sold to satisfy SEA Solutions' damages and salvage award as specified herein;
- vi) That SEA Solutions be awarded such other damages as may be proved at trial;
- vii) That SEA Solutions have pre- and post-judgment interest, expenses *custodia legis*, costs and attorneys' fees; and
- viii) That SEA Solutions have such other and further relief as the Court and justice may deem just and proper.

Dated: February 9, 2010

S.E.A. SOLUTIONS CORPORATION



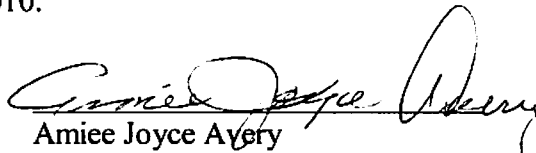
Counsel for Plaintiff

David N. Ventker, Esq. (VSB #29983)
Laura M. Grimes, Esq. (VSB #75998)
VENTKER & WARMAN, PLLC
101 West Main Street, Suite 810
Norfolk, Virginia 23510-1687
(757) 625-1192
(757) 625-1475 (facsimile)
lgrimes@ventkerlaw.com

VERIFICATION

I am the President of S.E.A. SOLUTIONS CORPORATION, the Plaintiff in this action and I am authorized to sign this Complaint on behalf of S.E.A. SOLUTIONS CORPORATION. I further have personal knowledge of the facts stated herein. On behalf of the Plaintiff, I verify under solemn affirmation that the facts alleged in the foregoing complaint are true and correct to the best of my knowledge and information.

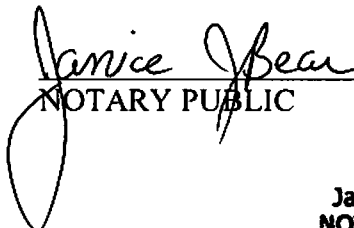
Executed on February 5, 2010.


Amiee Joyce Avery
S.E.A. SOLUTIONS CORPORATION

COMMONWEALTH OF VIRGINIA,
CITY OF NORFOLK, TO-WIT:

The foregoing instrument was acknowledged, sworn/affirmed and signed before me on February 5, 2010, by Amiee Joyce Avery.

My Commission Expires: 8/31/2013


NOTARY PUBLIC

Janice J. Bear
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7290400
My Commission Expires 8/31/2013